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Here we find the reason why the development which was started by Speaker Reed does not proceed. Power has passed from the House to its leader and a select body of its members, and there the movement has stopped. If it remains as it is, the House must continue to deteriorate. Professor Reinsch points out some of the evils that have already resulted. The members are so domineered over that the House has lost its self-respect; it becomes more and more dependent on the Senate, and often this dependence is servile; its right of debate has gone, and while, on rare occasions when excitement carries it away from the control to which it generally submits, its power to debate seems to have departed with the right; its ablest men are kept out of place and power, for it is the nature of such an oligarchy as that which now rules the body to be jealous of ability; indeed, an able and independent man, unless his interests depend upon his self-effacement, could not submit to such a rule as that which now is well nigh despotic over the House of Representatives. Revolting members, unless they are unusually strong men, are denied their proper position in the House and they are also prevented from rendering useful services to their constituents or to the country; their bills will not be considered, and they are denied the right of debate, when debate takes place.

These are unquestioned evils of the House of Representatives, and they result not from the rules themselves, but from their maladministration, from the abuse of the power which the Speaker and his friends have taken to themselves. No machinery of procedure can cure such a defect. The country can only hope that some day it will itself acquire sufficient virtue to send to the House men who will complete the development of procedure so that those who have power shall also have responsibility, and so, also, that there shall be debate, in a word so that a civilized form of government, of law making especially, shall be established for a civilized people.

The book contains much that is interesting, and some things that are confusing, about the Senate and the State Legislatures. Professor Reinsch seems to be of the impression that the time is coming when the partnership between the government and the great corporations shall be more complete than it is; when, in other words, it will become more profitable for corporations to corrupt government. Into that part of the book I shall not follow him beyond expressing the hope that he is mistaken and that the movement for "co-ordination," as he euphemistically expresses, or conceals, his meaning, will not destroy the democracy until it has been demonstrated beyond peradventure to be unable to work out its problems.

THE LAW OF TORTS. By MELVILLE MADISON BIGELOW. Eighth Edition. Boston: Little, Brown & Co. 1907. pp. xxxv, 502.

In 1878, some three years after the appearance of Mr. Bigelow's "Leading Cases on the Law of Torts," he put forth a small handbook entitled "Elements of the Law of Torts, for the use of Students." This was at once well received as a valuable contribution to the rapidly increasing literature upon this subject. Since then seven successive editions have appeared; the eighth having just been published. In this process of evolution the students' handbook, with its practical exercises, has become a compact, concise treatise now covering every branch of the law of Torts.

Throughout this period from first edition to last, the author has shown himself a diligent, philosophical and progressive student—or rather master—of the law. In these several editions he has not hesitated to discard former theories, as further reflection has convinced him that they were untenable, or to show himself responsive to the changes which modern decisions, under social pressure, have made and are making in the law. The case of *Allen* v. *Flood* (1898) A. C. 1, vitally important as it was then deemed to be, led him, as it did Sir Frederick Pollock, to produce a new edition, adjusting, so far as might be, his views and statements of the law to the supposed innovations brought about by that case.

The limitation of that case (which was generally supposed to legitimate the boycott) by *Quinn* v. *Leatham* (1901) A. C. 495, and the decision of numerous great and important cases, both in England and in this country, involving questions in the struggles of capital and labor, have been the main reason for this edition. Perhaps it would be better to let the author state his position in his own words, taken from the preface:

"A new point of view has made its appearance out of the agitation of social movements, within the last half dozen years since the last edition of this book was in hand. * * * The decisions of the past are not being overruled, in the proper sense; they have their place in the movement and are simply left in due course; they are not wrong—they are past. This, it is apprehended, is or should be the way of all precedent.

"The new point of view, which is that law must be regarded as the resultant of conflicting social forces (less the conservatism of courts and legislatures)—a point of view long hidden from sight in the faint stages of a social era of equality—is reflected on many pages of this book as it now appears."

The very many, and often conflicting and confusing, decisions on the questions arising out of labor disputes, are admirably discussed and distributed in the two chapters on "Procuring Refusal to Contract" and "Procuring Breach of Contract." How nearly to date he has brought this discussion is shown by his references to *Beekman* v. *Marsters,* 80 N. E. Rep., 817; *Brennan* v. *United Hatters of N. A.* (N. J.), 65 Atl. Rep., 165; and *Booth* v. *Burgess,* id. 226; the latter—in the writer's opinion—being a very important and illuminating decision.

But this is not all. The author has taken advantage of this opportunity to revise, in some degree, his theory and doctrine of tort, and to present a new classification, depending upon whether the tort feasor is of culpable or inculpable mind. Under the first head he includes acts or omissions where the defendant's liability depends upon his special mental attitude, including deceits, negligence, and those cases where malice, as an entity or as an inference, is an essential element of liability. All other torts are put into the second class, where the state of mind is deemed to be an irrelevant fact.

The book in all its parts is strengthened by the addition of new matter and the citation of recent authorities. It contains sixty-two more pages than its predecessor, but this is by no means indicative of the importance of the new matter.

A characteristic feature of the work in its several editions is the "Statement of Duty," which precedes the consideration of each specific tort. The value of this cannot be denied, though it has been criticised.

A discussion of the law of torts from the standpoint of defendant's duty is certainly helpful, though as suggested by Stevenson, V. C., in the New Jersey case last cited, it is sometimes even more helpful to start from the standpoint of the right claimed by the plaintiff.

Possibly a future edition, in which a statement of the duty should be followed by an equally concise statement of the right infringed, might be even more useful.

The book is rather strong food for the student, but it is of great value both to him and to the practitioner.

THE LAW OF PRIVATE PROPERTY IN WAR, WITH A CHAPTER ON CONQUEST. By NORMAN BENTWICH. London: Sweet & Maxwell, Ltd. 1907. pp. xii, 151.

Reasoning from the principle that philosophy lags always behind the facts, perhaps one strong indication that world thought is well nigh ready to endorse world peace, is the recent multiplication of treatises upon the amelioration of the laws of war. Among such books, the Yorke Prize Essay for 1906, by Mr. Norman Bentwich, is an interesting contribution.

Mr. Bentwich frankly avows that his volume is largely but a compilation from Westlake, Hall, Wheaton, Oppenheim, Snow and Tudor. Its merit is that it presents, compactly and clearly, one subject, the law of private property in war. Sufficient of history is given and enough cases are cited to free the discussion from any charge of being merely theoretical. At the same time, the argument is not made heavy and prolix by parade of learning. In case citation, Mr. Bentwich makes much use of American decisions, recognizing that from the beginning the American Courts have freely accepted and enforced the law of nations.

This essay is especially concerned with present usages and tendencies. It deals exclusively with the law affecting private persons and aims to cover the effects of war, in all of its relations to private property, of enemies, as well as of neutrals, and both on land and on sea. While it thus points out the usages as they exist, it also braves criticism by declaring particular practices to be obsolete, and it even suggests steps of reform where it has argued that present practice violates the underlying principles of modern usage.

Among reforms advocated are the abolition of prize money, the adoption by English and by American courts of the French principle as to enemy domicil, and of the French rule requiring actual notification of a blockade, compensation to neutral owners for innocent cargo destroyed on an unarmed vessel of the enemy, the exemption of mail steamers from capture, the classification of contraband of war by an international commission, and even the limitation of the area over which the belligerents may exercise the rights of visitation and search. (Pages 96, 97, 133, 134, 137, 138.) These modifications are suggested in the belief that they, if adopted, will make sea war as humane respecting the capture of private property, as is war upon land.

It is an interesting illustration of national limitations that the same writer who advocates so many important and far-reaching improvements is opposed to the proposition that all private property of the belligerents, at sea, should